IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7024 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AK SAXENA & 6 - Petitioner(s)

Versus

AIRPORT AUTHORITY OF INDIA & 1 - Respondent(s)

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Appearance :

MR TR MISHRA for Petitioner No(s).: 1,2,3,4,5,6,7.

MR SV RAJU for Respondent No(s).: 1.

MS MEGHA JANI for Respondent No(s).: 2.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 10/08/2005

ORAL JUDGMENT

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1. The petitioners by way of this petition have prayed for the following reliefs :-

(A) That Your Lordships be pleased to issue an order and or direction or

writ in the nature of mandamus and/or any other appropriate writ, order or direction, directing the respondent no. 1 to treat the employees mentioned in Annexure-B to the petition as the direct employees of the Principal Employer, the respondent no. 1 in view of the Notification issued by the Govt. Of India, marked annexure-C to the petition.

(B) That Your Lordships be pleased to issue direction to the respondent No. 1 Airport Authority of India to grant regular time scale of pay and other benefits which the regular employees of the respondent no. 1 are entitled.

(C) Pending admission and final disposal of this petition, Your Lordships be pleased to issue direction restraining the respondents, their agents and servants from terminating and or discontinuing and or discharging the services of the workmen enlisted in annexure= B to the petition.

(D) .....

2. I have heard the learned counsel for the parties and have perused the materials produced on record. The issue involved in this petition is squarely covered by the decision of the Apex Court in the case of **Steel Authority of India Ltd., & Ors., v. National Union WaterFront Workers & Ors., reported in 2001 (1) S.C.C. p. 1**. The reliefs claimed by the petitioners cannot be

granted by this Court. The appropriate remedy available to the petitioners is to prefer an application before the Labour Court.

3. In above view of the matter, the petitioners shall be at liberty to prefer an application before the Labour Court. Such application to be preferred within a period of two months from today. On receipt of such application from the petitioners, the appropriate forum is directed to consider and dispose of the same, as expeditiously as possible and preferably within a period of two years from the date of making such application.

4. With the above observations, the petition stands disposed of. It is clarified that the interim relief granted by this Court shall continue for a period of two months from today. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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